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 VICTOR COMPANY OF JAPAN, LTD. and JVC
 COMPONENTS (THAILAND) CO., LTD. and
 Defendants AGILIS INC. and AGILIS TECHNOLOGY
 INC.

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

NIDEC CORPORATION,

Plaintiff,

v.

VICTOR COMPANY OF JAPAN, LTD.,
 JVC COMPONENTS (THAILAND) CO.,
 LTD., AGILIS INC. and AGILIS
 TECHNOLOGY INC.,

Defendants.

AND RELATED COUNTERCLAIMS.

No. C05 00686 SBA (EMC)

Action Filed: February 15, 2005

ORDER GRANTING MOTION OF JVC
 AND JCT SEEKING LEAVE TO AMEND
 JVC'S COUNTERCLAIM

1 Having read and considered the arguments presented by the parties in their papers, and
2 good cause appearing, the Court finds that JVC's and JCT's Motion Seeking Leave To
3 Amend JVC's Counterclaim should be granted.

4 As a result of depositions of Nidec Corporation's Rule 30(b)(6) witnesses in late
5 March 2006 and an amended interrogatory response by Nidec Corporation on April 26,
6 2006, JVC learned that additional specific accused Nidec Spindle Motors potentially
7 infringe at least Claim 1 of the JVC '973 Patent, and that two subsidiaries of Nidec
8 Corporation, Nidec America Corporation ("Nidec America") and Nidec Singapore PTE
9 Ltd. ("Nidec Singapore"), are involved in the sale of the accused Nidec Spindle Motors.

10 Upon learning this new information, JVC drafted a [Proposed] Answer, Affirmative
11 Defenses and First Amended Counterclaims to specifically identify the additional accused
12 Nidec Spindle Motors and to join Nidec America and Nidec Singapore as Counter-
13 defendants in JVC's Counterclaim (Count I). In accordance with Fed. R. Civ. P. 15(a),
14 JVC sought written consent from Nidec Corporation to file the proposed Amended
15 Counterclaim. Nidec Corporation had consented to the filing of the proposed Amended
16 Counterclaim to the extent that it specifically identified additional accused Nidec Spindle
17 Motors. However, Nidec Corporation had refused to consent to the filing of the proposed
18 Amended Counterclaim to the extent that it joins Nidec America and Nidec Singapore as
19 Counter-defendants to the present Action. JVC and JCT therefore brought this Motion
20 seeking leave of Court to amend JVC's Counterclaim to identify additional accused
21 products and join Nidec America and Nidec Singapore as Counter-defendants.

22 Leave to amend should be freely given when justice so requires. *Forman v. Davis*,
23 371 U.S. 178, 182 (1962); *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074,
24 1079 (9th Cir. 1990). JVC and JCT have persuaded the Court that leave to Amend JVC's
25 Counterclaim pursuant to Fed. R. Civ. P. 15(a) is appropriate and justified. The court did
26 not find prejudice, undue delay, bad faith or dilatory motive, or futility of amendment.
27 See *United States v. Webb*, 655 F.2d 977, 980 (9th Cir. 1981). From the beginning of this
28


1 Action, JVC has consistently sought discovery from Nidec Corporation, as well as its
2 subsidiaries and divisions, which include Nidec Singapore and Nidec America. Any
3 additional discovery resulting from joining Nidec Singapore and Nidec America as
4 Counter-defendants should be minimal, will need to be conducted in any event, and can
5 be accommodated within the time remaining before the close of fact discovery. Moreover,
6 Nidec Singapore and Nidec America, are wholly-owned subsidiaries of Nidec Corporation
7 and are already participating in Nidec Corporation's defense to date.

8 Accordingly,

9 IT IS HEREBY ORDERED THAT JVC's and JCT's Motion Seeking Leave To
10 Amend JVC's Counterclaim to identify additional Nidec Spindle Motors and to join Nidec
11 America Corporation and Nidec Singapore PTE Ltd. is GRANTED.

12 IT IS SO ORDERED.

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15 Dated this 26TH day of JUNE, 2006.

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17 SAUNDRA B. ARMSTRONG
18 United States District Judge
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